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OFFICE OF PETITIONS

In re Application of :
C. Jay Wack, et al. :
Application No. 09/992,529 :
Filed: November 20, 2001 :
Attorney Docket No. STSPT19CIP :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed January 22, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 23, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, the \$1,480 extension of time submitted with the petition on April 21, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account number 50-1998.

The Change of Correspondence Address has been accepted and recorded.

The statement claiming large entity status in accordance with 37 CFR 1.17(m) embodied in the petition under 1.137(b) has been made of record and large entity status has been accorded.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy